

### **DETAILED ACTION**

1. Claims 1, 3-5, 16-20, 22-27, 29-32, 34 and 35 are pending.
2. The new matter rejection of claim 32 under 35 U.S.C. 112, first paragraph, has been obviated by the claim amendment filed February 25, 2010.
3. The rejection of claims 1, 3 and 24-33 as being indefinite under 35 U.S.C. 112, second paragraph, has been obviated by the claim amendment filed February 25, 2010.
4. The rejection of claims 1, 3-5, 24-26 and 31-33 under 35 U.S.C. 103(a) as being unpatentable over WO 90/12803 (published November 1, 1990; PTO 1449) in view of Chaga et al (of record, J Biochem Biophys Methods 49:313-334, 2001; PTO 892) and WO 95/25748 publication (PTO 1449) has been obviated by the claim amendment filed February 25, 2010.
5. The rejection of claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 90/12803 (published November 1, 1990; PTO 1449) in view of Chaga et al (of record, J Biochem Biophys Methods 49:313-334, 2001; PTO 892) and WO 95/25748 publication (PTO 1449) as applied to claims 1, 3-5, 24-26 and 31-33 mentioned above and further in view of WO 96/17631 publication (PTO 1449) has been obviated by the claim amendment filed February 25, 2010.

### **EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
7. Authorization for this examiner's amendment was given in a telephone interview with Raymond D Smith on June 2, 2010.

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8. **In the claims:**

- Claims 16-20, 22 and 23 have been canceled.

9. Claims 1, 3-5, 24-27, 29-32, 34 and 35 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh, PhD whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The IFW official Fax number is (703) 872-9306.

11. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phuong Huynh/

Primary Examiner, Art Unit 1644

June 4, 2010